

1. The said Electoral Board has been legally constituted according to the laws of the State of Illinois;
2. Objections to the nomination papers of the candidate herein were duly filed;
3. A Call to the hearing on said objections was duly issued and was caused to be served upon the members of the Electoral Board, the objector and the candidate, by mail and by personal service as provided by Statute;
4. An initial public hearing was held on these objections on Friday, January 6, 2006;
5. There were present at such hearings the following persons, among others:
 - a) Honorable David Orr, by Daniel P. Madden, Honorable Richard A. Devine, by Michael Prinzi, and Honorable Dorothy Brown, by Mary Melchor;
 - b) Candidate, by Attorney
 - c) Objector, by Attorney
6. All evidence, if any, that was tendered by those appearing at the hearing was heard and considered by the Board;
7. All arguments, if any, that were made at the hearing were considered by the Board;
8. The Board having heard oral argument and having considered all evidence, if any, **HEREBY MAKES THE FOLLOWING FINDINGS:**
 - a) This case involves an office for which a valid petition requires 192 good signatures. The return of the results of the registration records examination in this matter indicted that the Candidate had 201 valid signatures. The Board then heard testimony from the Candidate himself about irregularities in the circulation of certain sheets. He admitted that he received two sheets, nos. 19 and 21, from the circulator after she had signed them and had them notarized. Each of the sheets still had 5 blank lines on it. Candidate admitted that he collected an additional 5 signatures on each sheet. Candidate also admitted that he collected 2 of the ten signatures on sheet 7, those on lines 6 and 7, outside of the presence of the individual, James Verhunce, to whom he returned the sheet and who later signed the circulator's oath stating that he had collected all of the signatures. Candidate's counsel then conceded that those twelve signatures could not be counted in the Candidate's total (Objected maintained that Candidate should suffer a much more severe penalty than that.) Those twelve signatures would reduce Candidate's total to 189, or 2 below the minimum.

However, both Candidate and Objector had filed Motions under Rule 8, for the Board to consider certain determinations that had been made of the registration records examination. At the hearing on the Motions, Candidate gained 11 signatures and Objector gained one, leaving Candidate, at that point, with a net gain of 10 and a total of 199 signatures or 7 more than the minimum.

However, as noted above, Objector asks that Candidate lose signatures because of his irregular behavior towards the safeguards that protect the integrity of the circulation process. We agree with the Objector on two levels. First, the uncontradicted evidence, in the form of the testimony of the Candidate, is that James Verhunce executed his circulator's oath including that all of the signatures on sheet 7 had been signed in his presence, even though he must have known that this statement was not true. In light of his disregard of his Circulator's oath, which is the single greatest protection that exists for the integrity of the signature collection process, we strike the remaining 7 valid signatures on sheet 7

(one signature, on line 5, had already successfully been objected to) and the 9 signatures remaining on sheet 15, the other sheet that Mr. Verhunce signed as circulator. This reduces the Candidate's number of remaining signatures below the minimum. This is our response to Candidate's testimony on one level.

On another, deeper, level, we are appalled at the behavior confessed to by the candidate. It has no place in the public arena. We are, however, equally troubled by his legal position that as a candidate for public office he is to be held to no higher a standard in respect to upholding the election laws than any other person. We completely reject this assertion. The notion that a candidate could condone, and even commit, the conduct the Candidate here did and, as a consequence, suffer no more than the minimal impact of the loss of a few signatures is completely unacceptable. But we need not, and do not, rely on any basis that rests on this rationale to decide the case.

The Candidate having failed to legally procure the minimum number of signatures required for a valid petition, the Objection herein is sustained.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the objections of Joseph R. Hedrick, to the nomination papers of Daniel P. DiMaria, candidate for the Office of Committeeman, Niles Township located in the County of Cook, State of Illinois are hereby sustained in conformity with the findings in paragraph 8. The said nomination papers are hereby declared invalid, the name of Daniel P. DiMaria, candidate for the Office of Committeeman, Niles Township shall not be printed on the ballot for the Primary Election to be held on Tuesday, March 21, 2006.

DATED, at Chicago, Illinois this 6th day of February, 2006

DAVID ORR, Chairman

by:

/S/ Daniel P. Madden

Daniel P. Madden

RICHARD A. DEVINE, Member

by:

/S/ Mary Wilson

Mary Wilson

DOROTHY BROWN, Member

by:

/S/ Mary Melchor

Mary Melchor